

§ 1794.71 RUS determination.

After the scoping process and receipt of an acceptable Environmental Analysis, RUS shall make a judgment as to whether or not RUS's action will be a major Federal action significantly affecting the quality of the human environment. If a significant effect is evident, RUS shall continue with the procedures in §§1794.54 through 1794.55 of Subpart F, "Procedure for Proposals Normally Requiring an EIS." If a significant effect is not evident, RUS shall develop and prepare an EA and FONSI.

§ 1794.72 Notice requirements for a FONSI determination.

If RUS prepares a FONSI for a proposal covered by § 1794.34, RUS and, in a timely manner, the Borrower shall publish notices of availability of the EA and FONSI. The EA and FONSI shall be made available for public review and comment for at least thirty (30) days, and the RUS and Borrower notices shall solicit public comments. Additional RUS and Borrower notice requirements are included in § 1794.63.

§ 1794.73 Timing of agency action for FONSI determination.

RUS may take its final action at any time after expiration of the thirty (30) day period measured from the date of publication of the RUS notice in the FEDERAL REGISTER. Normally RUS shall wait thirty (30) days after publication of the Borrower's notice before taking a final action.

Subpart I—Adoption of Environmental Documents

§ 1794.80 General.

Where Borrowers participate in projects for which other agencies have already prepared an EIS or EA, RUS will adopt the existing EIS or EA consistent with the provisions of 40 CFR 1506.3.

§ 1794.81 Adoption as a final EIS.

(a) If RUS acted as a cooperating agency, the lead agency's EIS may be adopted as a final EIS without recirculation if RUS has reviewed the comments received on the final EIS and

concluded that comments and suggestions have been adequately considered.

(b) If RUS was not a cooperating agency but determines that another Federal agency's EIS is adequate it will adopt the EIS as its final EIS.

(1) RUS and the Borrower shall publish a notice stating RUS's adoption of the EIS and independent determination of its adequacy. The notices are governed by §§1794.12 (general) and 1794.54(a) (EIS).

(2) If the adopted EIS is generally available, RUS will circulate its written finding that the adopted EIS meets the standards for an adequate EIS. The adopted EIS shall be made available to interested parties upon request.

(3) If the adopted EIS is not generally available, RUS will circulate its written finding that the adopted statement is an adequate EIS, along with either the adopted EIS or a summary thereof in accordance with 40 CFR 1502.19. The adopted EIS shall be circulated in the same manner as a final EIS (see § 1794.54(b)).

§ 1794.82 Adoption as a draft EIS.

Where RUS determines that an existing Federal EIS requires additional information to meet the standards for an adequate statement for a proposed RUS action, RUS may adopt all or a portion of the EIS as a part of its draft EIS. The circulation provisions of § 1794.54(b) for draft and final EIS's apply. The general notice provisions (§ 1794.12) and notice provisions for EIS's (§ 1794.54(a)) apply.

§ 1794.83 Adoption of an EA.

RUS may adopt a Federal EIS or EA or a portion thereof as its EA. RUS shall make the EA available and assure that notice is provided in the same manner as if RUS had prepared the EA.

§ 1794.84 Adoption of environmental materials.

RUS may adopt environmental documents or portions thereof prepared by Federal, state or local agencies or other parties independently of the requirements of NEPA. RUS may adopt such materials into its environmental documents. RUS will circulate the adopted document as a part of its environmental assessment or draft and